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Application Number	10/075,082
Filing Date	02/13/2002
First Named Inventor	Anthony C. Parra
Group Art Unit	7564
Examiner Name	Christina m. Marks
Total Number of Pages in This Submission	49
Attorney Docket Number	M223

ENCLOSURES (check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robert L. Marsh
Signature	
Date	07/25/2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Parra, Anthony C.
Serial No. : 10/075,082
Filed on : 02/13/2002
For : Casino Gaming Station
Group : 7564
Examiner : Marks, Christina M. and O'Neill, Michael
Attorney Docket No. : M223

CORRECTED BRIEF ON APPEAL

Hon. Commissioner of
Patents and Trademarks
Alexandria, Virginia 22313

Sir:

If any additional charges or fees must be paid in connection with this communication, they may be paid out of our deposit account No. 50-0783.

This is an appeal from the Final Rejection of the Examiner dated November 26, 2004 finally rejecting claims 1, 2 and 4 through 14, all of the pending claims in this application. Three copies of this brief are submitted. A check in the amount of \$250.00 was enclosed with the original Brief on Appeal filed April 20, 2005.

In compliance with 37 CFR 41.37, the following eight specific items are presented:

(1) REAL PARTY IN INTEREST

The real parties in interest are the appellants, who are the applicants and the inventors.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to appellant or appellant's legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 1 through 14 were filed with the original application. Claims 1 and 10 are the only independent claims. Claim 3 was canceled. All remaining claims stand rejected and are the subject of this appeal. The status of the various claims is as follows:

<u>Claim No.</u>	<u>Status</u>
1	rejected appealed
2	rejected appealed
3	canceled
4	rejected appealed
5	rejected appealed
6	rejected appealed
7	rejected appealed
8	rejected appealed

9	rejected	appealed
10	rejected	appealed
11	rejected	appealed
12	rejected	appealed
13	rejected	appealed
14	rejected	appealed

(4) STATUS OF AMENDMENTS

An amendment was filed in response to the final rejection dated November 26, 2004. Entry of the amendment was denied. The appeal is taken from the final rejection entered November 26, 2004.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The independent claims of the present application are numbered 1 and 10. Claim 1 is directed to a casino gaming station (Fig. 1) consisting of a table 11 having an upper surface 16 with markings thereon 17 – 22 for use in the playing of a game of chance. The upper surface designates a plurality of play stations 17 – 22 (page 5 lines 6 – 11) each of which is used by one player participating in the game of chance. There is also a dealer's station 24 designated on the upper surface (page 5 lines 11 – 13). Positioned near the table but independent therefrom is a pedestal 50 supporting a vertically extending portion 52 and a horizontally outwardly extending portion 54 (page 6 lines 4 – 9). The vertical portion 52 and the horizontal portion 54 are made as an unitary member is shown in Fig. 1. The wording describing these

parts as being a “unitary member” was added to page 6 line 7 by an amendment filed on August 11, 2004.

The horizontally extending portion 54 has an outer end which supports a canopy 56 (page 6 line 6) over the table 11 (page 6 lines 9 – 14). The canopy 56 includes a video camera 64 (page 6 line 18 to page 7 line 2) with an output to a supervisor who can view the play of the game to detect cheaters.

Claim 10 is directed solely to the pedestal 50 and its components. The pedestal 50 includes a base 50, a unitary member 52, 54 having a vertical first portion 52 with an upper end and a horizontal second portion 54 extending from the upper end of the first portion. A canopy 56 is supported at the outer end of the second portion 54. The canopy has an elevation suitable for positioning over the table 11 (see Fig. 1 and page 6 lines 9 – 14). The canopy 56 has a motion video camera 64 to record the play of the game on the table 11 and is directed toward the upper surface of the table to provide a video of the game of chance (page 6 line 18 to page 7 line 2).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(a) and (b) claims 1 and 10 are rejected as unpatentable under 35 USC 103(a) over Walsh (US Patent no. 5,726,706) in view of Wilton (US Patent no. 3,643,345).

(c) claim 2 is rejected as unpatentable over Walsh in view of Wilton and in further view of Wynn et al (US Patent no. 5,971,271).

(d) claims 4, 7 and 12 are rejected as unpatentable under 35 USC 103(a) over Walsh in view of Wilton and in further view of Sines et al (US Patent no. 6,270,404).

(e) Claim 5 is rejected as unpatentable under 35 USC 103(a) over Walsh in view of Wilton in further view of Parra US patent 5,839,960).

(f) Claims 6 and 11 are rejected as unpatentable under 35 USC 103(a) over Walsh in view of Wilton in further view of Jones II (US patent 6,154,131).

(g) Claims 8, 9, 13, 14 are rejected as unpatentable under 35 USC 103(a) over Walsh in view of Wilton in further view of Breeding et al (US Patent no. 6,299,534).

(7) ARGUMENT

(a) Claim 1 is patentable under 35USC 103(a) over Walsh in view of Wilton. Claim 1 stands rejected under 35 USC 103(a) as being unpatentable over Walsh and Wilton. The Walsh references is cited as disclosing a canopy having a camera mounted therein for viewing the surface of a table positioned below the canopy. The Wilton reference is cited as teaching a pedestal having a base and "a unitary member extending vertically from the base until an upper end (5)..., a horizontal member (4), the second portion" (page 3 lines 13 – 14 of final action), and a canopy containing a camera. The examiner further asserts that "it would be obvious...that the crane could become integral and still serve the function required by the casino, thus making it entirely fixable would be obvious to a skilled artisan who would be motivated by the environment and requirements for usage in a casino" (page 4 lines 1 – 8 of final action).

In an earlier Office Action, the examiner had cited Chapman US Patent no. 6,450,706 B1, which disclosed a mobile crane having a complicated articulating arm for holding a cameraman and a camera at the upper end thereof for use in the movie industry. Regarding that reference, the examiner asserted that the underlying vehicle was a base and that the device included a member extending vertically from the base and a horizontal member extending from the upper end of the vertical member to support a canopy. In the amendment filed August 13, 2004, the applicant amended the claims to recite that the pedestal includes a base and “a unitary member” attached thereto “having a first portion” extending vertically from the base and a horizontal “second portion” attached to the upper end of the first portion with a canopy at the outer end of the horizontal second portion. In the Remarks following the August 13, 2004 amendment, the applicant stated that the words “unitary member,” which is described as having vertical and horizontal portions, had been inserted to distinguish the multi-hinged articulating arm disclosed by the Chapman reference. In the final rejection issued November 26, 2004, the examiner has withdrawn the Chapman reference and substituted the Wilton reference. The Wilton reference is superior to the previously cited Chapman reference because the crane of Wilton is not mounted on a mobile vehicle (as was Chapman) and the camera is permanently aimed downwardly and not adjustable by the crane operator.

The applicant strongly denies that the arm of the Wilton device is unitary, or that it is obvious to make the arm of Wilton as a rigid unitary member including a vertical and horizontal portion as the examiner asserts. In this regard, the applicant states that from a careful reading of claim 1 it is clear that the “horizontal second

portion" extends from the upper end of the "vertically extending first portion" where the first and second portions makeup a single "unitary member." Wilton discloses a vertical base portion (5), which, taken by itself, is unitary, and then pivotally attached thereto is an elongate longitudinally extendable arm (4) made up of arm segments 7, 7', 8, 8', 9 and 10. The various segments 7, 7', 8, 8', 9, 10 are hingedly connected to one another to radially move the distal end of the arm and the camera (2) attached thereto to thereby move the camera across the upper surface of a large planar map (1). It should be appreciated that the amendment entered August 13, 2004 added the element of a "unitary member" which is described as having first and second portions thereto for the sole purpose of distinguishing the articulating arm of the previously cited Chapman reference from the structures claimed.

The examiner believes that it is obvious from the Walsh reference that a pedestal can be constructed having a base with a unitary member attached thereto having a vertically extending portion and a horizontal portion for retaining a camera assembly and the like from the distal end of the horizontal portion. The examiner has failed, however, to provide a reference that shows a rigid arm mounted at the upper end of a vertical member with the parts forming a unitary member. It should also be appreciated that to modify the Wilton crane as the examiner would have done, would render the device of Wilton inoperable for the purpose for which it is intended. Specifically, if the device of Wilton includes a vertical post and extending arm made as a unitary member, it could not be used to simulate the view of the ground below as seen from an aircraft moving across the surface of the earth. This is because the distal end of the boom would either be rigidly fixed in a single location, or the arm

would pivot in an arc and, in either case, would not simulate the movement of an aircraft flying over land as the device is intended to provide. Under in re Gordon 221 USPQ 1125 at 1127 it cannot be obvious to modify a device in a manner that renders it unsuited for its intended purpose and therefore, it is not obvious to provide the crane of Wilton with a rigid unitary mast and boom as the examiner would have done. Accordingly, the crane of Wilton cannot be combined with the canopy of Walsh to reach the elements of claim1. Claim 1 is therefore patentable over the combination of Walsh and Wilton.

(b) Claim 10 is patentable under 35 USC 103(a) over Walsh in view of Wilton.

Claim 10 is directed to a pedestal that supports a canopy having a camera therein to be used to view the play surface of a casino gaming table. The same combination of references used to reject claim 1 have been used to reject claim 10.

The “unitary member” as described in claim 10 is a little different than as described in claim 1. In claim 10 the “horizontal second portion” is specifically defined as being part of the “unitary member” whereas claim 1 relies upon language structure to provide this relationship. Otherwise, the elements of the pedestal as defined by claim 10 are identical to those of claim 1 and the same arguments that distinguish the structure of claim 1 from the reference cited also distinguish the structure of claim 10. In summary, claim 10 recites a “unitary member” extending from the base to the canopy, whereas the crane arm of Wilton is not unitary. Claim 10 is therefore patentable over Walsh and Wilton.

(c) Claim 2 is patentable over Walsh in view of Wilton and in further view of Wynn.

Claim 2 is dependent upon claim 1 and adds “a headset for use by the dealer connected to a supervisor at a remote location to facilitate communication between said supervisor and said dealer.” This claim stands rejected under 35 USC 103(a) over Walsh, Wilton, in further view of Wynn. The forgoing discussion of the Walsh and Wilton references submitted with respect to claim 1 are also applicable to claim 2.

The Wynn reference discloses a gaming device including an audio and a video channel operating between a player at the gaming device and a central location manned by one or more concierges who can communicate with the player, answer questions, make reservations, and in general attend to the requests of the player, see the abstract. Wynn provides for a “handset” rather than a “headset” as required by claim 2. The device of Wynn is no more than a telephone to be used by a player to contact casino personnel. Wynn does not disclose a device for providing oral communication between a dealer and a remote supervisor as required by claim 2. Clearly, Wynn fails to appreciate the benefits of the present invention and therefore the elements recited in claim 2 are not obvious in view of Wynn. It is believed, therefore, that claim 2 is independently patentable over the elements of claim 1.

(d) Claims 4, 7 and 12 are patentable under 35 USC 103(a) over Walsh in view of Wilton and in further view of Sines.

The Sines reference has been cited in combination with the Walsh and Wilton references to reject claims 4, 7, and 12. Claim 7 is dependent upon claim 1 and recites a video display mounted on the pedestal for projecting the play of the game of the table as recorded by the camera in the canopy. Claim 12 is dependent upon claim 10 and also recites a video display on the pedestal for projecting the play of the game as shown through the camera in the canopy.

It is believed that claims 7 and 12 are independently patentable over the references cited. Sines discloses a gaming system in which the play of a game, such as blackjack or the like, is depicted on a video display and the functions such as shuffling, cutting, and dealing of cards are accomplished using a data processing function. Sines suggests that the monitors that are used in the game can also display material advertising the game or other games in the casino to attract customers when the displays are not being used for depicting the game. The displays of Sines, however, cannot be used to project a view of the game as seen from the camera in the canopy overhead while the game is in fact in play because the videos of the Sines device are a fundamental element of the game itself. The system and apparatus disclosed by Sines clearly cannot serve the function for which it is intended and simultaneously display the view of the gaming table as seen from the overhead camera as would be required by claims 7 and 12. Accordingly, claims 7 and 12 are independently patentable over the references of record.

Claim 4 is dependent on claim 1 and adds means for projecting advertising material visible to patrons. Claim 4 stands or falls with claim 1.

(e) Claim 5 is patentable under 35 USC 103(a) over Walsh and Wilton in further view of Parra.

The Parra reference discloses a telephone in a gaming table and added nothing to the combination of Walsh and Wilton with respect to claims 1 or 10. Claim 5 therefore stands or falls with claim 1. Claim 5, therefore, is not independently patentable over claim 1.

(f) Claims 6 and 11 are patentable under 35 USC 103(a) over Walsh, Wilton and Jones II.

Again, the applicant does not contend that claims 6 and 11 are independently patentable over the claims upon which they are dependent. Even so, Jones, II fails to provide any teaching which would overcome the deficiencies of the combination of Walsh and Wilton, and therefore, claim 6 stands or falls with claim 1 and claim 11 stands or falls with claim 10.

(g) Claims 8, 9, 13, and 14 are patentable under 35 USC 103(a) over Walsh in view of Wilton in further view of Breeding.

Claims 8, 9, 13, and 14 were rejected under 35 USC 103(a) as being unpatentable over Walsh, Wilton, and Breeding. Claims 8 and 9 are dependent upon claim 1 and claims 13 and 14 are dependent upon claim 10 and all four claims relate to a tray on the pedestal for retaining extra chips and the like used by the dealer. The Breeding reference has been cited as disclosing a “caddy” that provides the dealer with supplemental functions and can be used as a storage table. Breeding,

however, does not disclose a separate free standing pedestal, but rather an extension 34 to the table itself. Claims 8, 9, 13, and 14 therefore separately define over the references cited.

Conclusion

In light of the forgoing remarks, it is respectfully submitted that the examiner's rejection of claims 1, 2 and 4 through 14 was incorrect and should be reversed. Accordingly, it is urged that the examiner be reversed.

Respectfully submitted,

Robert L. Marsh
Attorney for the Applicant
Registration No. 25894
630-681-7500
630-681-3464 (fax)

Robert L. Marsh
54 Danada Drive
P. O. Box 4468
Wheaton, Illinois 60187-4468

(9) Appendix A – Claims

1. A casino gaming station comprising in combination
a table having an upper surface,
said upper surface having markings thereon for use in the playing of a game of chance,
a plurality of play stations designated on said upper surface with each of said play stations for use by one player participating in said game of chance,
a dealer station designated on said upper surface,
a pedestal independent of said table,
said pedestal positioned near said table,
said pedestal including a base and a unitary member attached thereto, said unitary member having a first portion extending vertically from said base,
said vertically extending first portion having an upper end,
a horizontal second portion attached to said upper end of said first portion and extending therefrom,
said horizontal second portion having an outer end,
a canopy at said outer end of said horizontal second portion,
said canopy positioned over said table,
a motion video camera positioned in said canopy to record the playing of a game on said table,
said motion video camera directed towards said upper surface of said table to provide a video of the play of said game of chance on said upper surface.

2. A casino gaming station in accordance with Claim 1 and further comprising a headset for use by the dealer connected to a supervisor at a remote location to facilitate communication between said supervisor and said dealer.

4. A casino play station in accordance with claim 1 wherein said canopy includes means for projecting advertising material visible to the patrons near said table.

5. A casino play station in accordance with claim 1 wherein said table is further provided with a socket for attachment to a telephone for use by patrons.

6. A casino game in accordance with claim 1 and further comprising a video display connected to said motion video camera positioned in a remote location for viewing by a supervisor.

7. A casino play station in accordance with claim 1 and further comprising a video display on said pedestal for projecting the play of the game on said table as recorded by said motion video camera, said display oriented so as to be visible by the patrons playing at said table.

8. A casino play station in accordance with claim 1 and further including a tray on said pedestal.

9. A casino play station in accordance with claim 8 wherein said tray is fitted with a retainer for retaining extra chips for use by the dealer.

10. A pedestal for use with a casino gaming table having a plurality of play stations thereon for use by players of the game of the table, said pedestal comprising

a base,

a unitary member extending vertically from said base,

said unitary member having a vertical first portion with an upper end,

a horizontal second portion of said unitary member extending from said upper end of said vertical first portion ,

said horizontal second portion having an outer end,

a canopy at said outer end of said horizontal second portion,

said canopy having an elevation suitable for positioning over said table,

a motion video camera positioned in said canopy to record the playing of a game on said table,

said motion video camera directed towards said upper surface of said table to provide a video of the play of said game of chance on said upper surface.

11. A pedestal in accordance with claim 10 and further comprising a video display connected to said motion video camera positioned in a remote location for viewing by a supervisor.

12. A pedestal in accordance with claim 10 and further comprising a video display on said pedestal for projecting the play of the game on said table as recorded by said motion video camera, said display oriented so as to be visible by the patrons playing at said table.

13. A pedestal in accordance with claim 10 and further including a tray on said pedestal.

14. A pedestal in accordance with claim 13 wherein said tray is fitted with a retainer for retaining extra chips for use by the dealer.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,082	02/13/2002	Anthony C. Parra		7564

30406 7590 06/30/2005
ROBERT L. MARSH
54 DANADA DRIVE
P.O. BOX 4468
WHEATON, IL 60187-4468



EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/30/2005

Due July 30, 05

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.	Applicant(s)	
10/075,082	PARRA ET AL.	
Examiner	Art Unit	
Michael O'Neill	3713	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 22 April 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

The instant Brief appears to have been filed under the old rules. Effective Sept. 13 2004, Rule 41.37 became into effect and because this brief was filed on 4-22-05, after the effective date, it needs to comply with Rule 41.37.

Michael O'Neill
Primary Examiner
Art Unit: 3713